

REMARKS

In the outstanding Office Action, Claims 1, 2, 4, 5, 6, 9 and 12 were rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent Number 6,430,449 to Hsu et al. and claims 3, 7, 8, 10, 11 and 13-17 under 35 U.S.C. 35 U.S.C. 103(a) as being obvious over Hsu et al. Reconsideration is respectfully requested in light of the above claim amendments and the following remarks.

Claims 1-17 were rejected under 35 U.S.C. §112, second paragraph. By this amendment, claim 1 has been amended in accordance with the Examiner's suggestion to address this rejection. Applicants therefore respectfully requests that this rejection be withdrawn.

Declarations To Swear Behind Hsu et al.

Declarations from each of the co-inventors of the subject matter of the pending Application, swearing behind U.S. Patent Number 6,430,449 to Hsu et al. are submitted herewith. As required by MPEP 715.07 the declarations and accompanying exhibits establish conception of the invention prior to the effective date of the Hsu et al. reference (i.e. March 19, 1998) as well as due diligence from prior to the effective date of Hsu et al. to constructive reduction to practice of the present invention. For example, MPEP 715.07(a) states that under 37 CFR 1.131 the critical period in which diligence must be shown begins just prior to the effective date of the reference and ends with the date of a reduction to practice, either actual or constructive, (i.e. the filing of applicant's patent application).

Therefore, because the Hsu et al. patent is no longer prior art with respect to the pending application, the rejections based on Hsu et al. patent are moot.

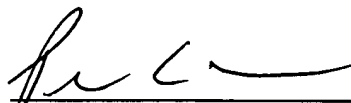
CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the pending claims patentably distinguish over the cited references, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

8.26.04

Date



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